



US Army Corps  
of Engineers®

Nashville District

# Public Notice

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Public Notice No. 07-42

Date: April 27, 2007

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Application No. 970014950

Expires: May 27, 2007

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Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road, Nashville, TN 37214  
Attn: Floyd M. Carnes

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JOINT PUBLIC NOTICE  
US ARMY CORPS OF ENGINEERS  
AND  
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Excavation of a Gravel Bar at Richland Creek  
Mile 8.6, Right Bank, Giles County, Tennessee

TO ALL CONCERNED: The application described below has been  
submitted for a Department of the Army (DA) Permit pursuant to  
**Section 10 of the Rivers and Harbors Act of 1899.**

APPLICANT: W.C. Tomerlin  
1201 Prospect Road  
Prospect, Tennessee 38477

LOCATION: Richland Creek Mile 8.6, Right Bank, Giles County,  
Tennessee. USGS ELKTON, TENN Quadrangle  
Longitude: 86-58-10.8; Latitude: 35-5-16.5

BACKGROUND: The applicant was previously issued a DA permit for  
the activity on November 13, 1997. That authorization has  
expired and the applicant is reapplying for the same activity.

DESCRIPTION: The proposed work consists of the removal of  
approximately 500 cubic yards of gravel per year from a gravel  
bar measuring approximately 40' x 150' x 3'. The applicant would  
perform the work in the dry leaving a 15' undisturbed buffer  
between the excavation and the stream. In addition, the bottom  
elevation of the excavated area would not be lower than one foot  
above the stream surface elevation. The gravel would be removed  
by trackhoe, placed in a truck, and hauled upland for use on the  
applicant's property. The applicant would gain access to the  
site by utilizing an existing access road.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

A site file search and review was conducted by the Regulatory Branch Archeologist at the Tennessee Division of Archaeology. The file search confirmed the initial 1997 determination that the project would have "no effect" on historic properties. The Tennessee Historical Commission agreed with the Corps finding in a letter dated August 26, 1997. Based on this information, it is the finding of the Corps that this project has no potential to effect historic properties listed on or eligible for listing on the National Register of Historic Places. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by

this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

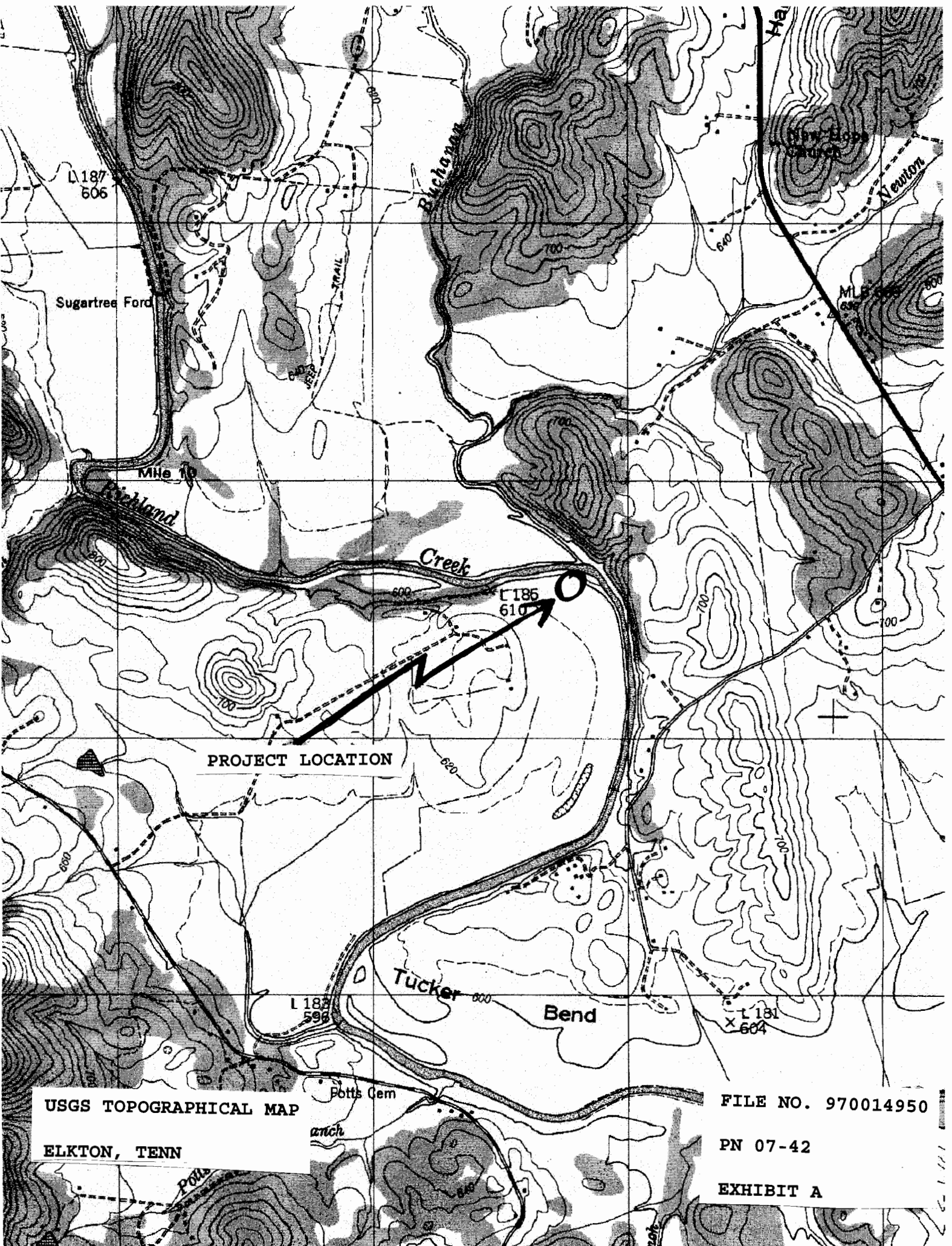
Other federal, state, and/or local approvals may be required for the proposed work.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **May 27, 2007**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Floyd M. Carnes, at the above address, telephone (615) 369-7503. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Ms. Susan S. Tidwell, Acting Manager, Pickwick-Wheeler Watershed Team, P.O. Box 1010, Muscle Shoals, Alabama 35662

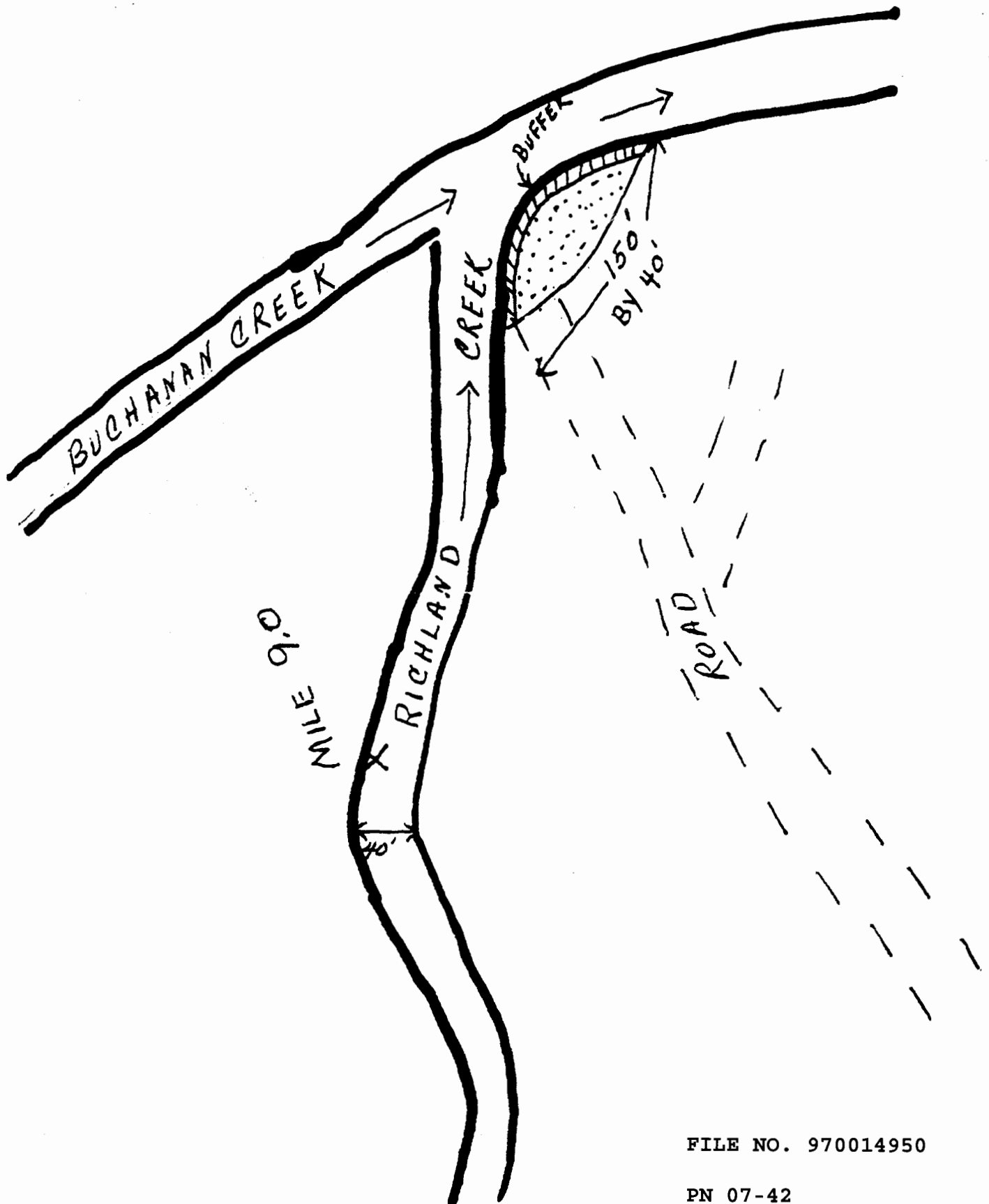
If you received this notice by mail and wish to view all of the diagrams, visit our web site at:

<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Carnes at the above address or phone number.



USGS TOPOGRAPHICAL MAP  
ELKTON, TENN

FILE NO. 970014950  
PN 07-42  
EXHIBIT A



FILE NO. 970014950

PN 07-42

EXHIBIT B